

NOT VOTING—15

Cubin	Hyde	Stokes
Franks (NJ)	Kelly	Torres
Gonzalez	McIntosh	Weldon (FL)
Hinojosa	Payne	Wise
Houghton	Schiff	Yates

□ 1646

Messrs. DOGGETT, MEEHAN, SCHUMER, and MILLER of California changed their vote from "yea" to "nay."

Messrs. BROWN of Ohio and FLAKE changed their vote from "nay" to "yea."

So the House agreed to consider H.R. 1270.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table

MODIFICATION OF AMENDMENT TO H.R. 1270, NUCLEAR WASTE POLICY ACT OF 1997

Mr. DAN SCHAEFER of Colorado. Mr. Speaker, I ask unanimous consent that during consideration of H.R. 1270, pursuant to House Resolution 283, it may be in order to consider the amendment numbered 1 in House Report 105-354 in the modified form that I have placed on the desk.

The SPEAKER pro tempore (Mr. CAMP). The Clerk will report the modification.

The Clerk read as follows:

Amendment No. 1, as modified, offered by Mr. DAN SCHAEFER of Colorado:

Page 19, line 2, insert before the period the following: ", using routes that minimize, to the maximum practicable extent and consistent with Federal requirements governing transportation of hazardous materials, transportation of spent nuclear fuel and high-level radioactive waste through populated areas"

Page 19, beginning in line 3, strike "In conjunction with" and insert the following:

"(1) IN GENERAL.—In conjunction with" and add after line 16 on page 19 the following:

"(2) RAIL ROUTES.—Not later than one year after the date of the enactment of this Act, the Secretary of Transportation shall establish procedures for the selection of preferred rail routes for the transportation of spent nuclear fuel and high-level radioactive waste to the interim storage site and the repository site. Such procedures shall be established in consultation with the designated emergency services planning management official for any State or Indian tribe affected by the rail routes selected.

Page 20, line 20, insert after "organizations" the following: ", voluntary emergency response organizations,".

Page 24, line 16, strike "regulations promulgated by the Commission" and insert "existing Federal regulations".

Page 25, beginning on line 1, strike "The" and all that follows through "paragraph (1)" on line 3 and insert "If training standards are required to be promulgated under paragraph (1), such standards".

Page 25, line 5, strike "include the following provisions—" and insert "provide for—".

Page 25, after line 19, insert the following: "The Secretary of Transportation may specify an appropriate combination of knowledge, skills, and prior training to fulfill the minimum number of hours requirements of subparagraphs (A) and (B)."

Page 43, strike lines 17 and all that follows through line 13 on page 44, and insert the following:

"SEC. 207. APPLICABILITY.

"Nothing in this Act shall affect the applicability of chapter 51 of title 49, United States Code; part A of subtitle V of title 49, United States Code; part B of subtitle VI of title 49, United States Code; and title 23, United States Code."

Page 81, after line 13, insert the following:

"SEC. 510. SEPARABILITY.

"If any provision of this Act, or the application of such provision to any person or circumstance, is held to be invalid, the remainder of this Act, or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby."

In the table of contents—

(1) in the item relating to section 207 amend the heading to read as follows: "Applicability"; and

(2) add at the end of title V the following:

"Sec. 510. Separability.

Page 21, line 6, redesignate subparagraph (B) as subparagraph (C) and insert after line 5 the following:

"(B) EMERGENCY RESPONDER TRAINING STANDARDS.—The training standards for persons responsible for responding to emergency situations occurring during the removal and transportation of spent nuclear and high level radioactive waste shall, in accordance with existing regulations, ensure their ability to protect nearby persons, property, or the environment from the effects of accidents involving spent nuclear fuel and high-level radioactive waste.

Mr. DAN SCHAEFER of Colorado (during the reading). Mr. Chairman, I ask unanimous consent that the amendment, as modified, be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

The SPEAKER pro tempore. Without objection, the modification is agreed to.

There was no objection.

THE NUCLEAR WASTE POLICY ACT OF 1997

The SPEAKER pro tempore. Pursuant to House Resolution 283 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 1270.

□ 1648

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1270) to amend the Nuclear Waste Policy Act of 1982, with Mr. MCINNIS in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Virginia [Mr. BLILEY] and the gentleman from Texas [Mr. HALL] each will control 30 minutes. The gentleman from Alaska [Mr. YOUNG] and the gentleman from Massachusetts [Mr. MARKEY] each will control 10 minutes.

The Chair understands that the gentleman from Colorado, [Mr. DAN

SCHAEFER] will be recognized for the time of the gentleman from Virginia, [Mr. BLILEY], and the Chair recognizes the gentleman from Colorado, [Mr. DAN SCHAEFER].

Mr. DAN SCHAEFER of Colorado. Mr. Chairman, I yield myself such time as I may consume.

(Mr. DAN SCHAEFER of Colorado asked and was given permission to revise and extend his remarks.)

Mr. DAN SCHAEFER of Colorado. Mr. Chairman, today the House of Representatives is considering H.R. 1270, legislation to repeal the Nuclear Waste Policy Act of 1982 and replace it with the Nuclear Waste Policy Act of 1997. Mr. Chairman, H.R. 1270 was approved by the Committee on Commerce by a wide margin of 43 to 3, enjoys broad bipartisan support, and was carefully crafted over a 2½-year period.

H.R. 1270 achieves the following four principal goals: number one, the acceptance of nuclear waste at an interim storage facility in the year 2002; number two, it continues progress toward permanent disposal of nuclear waste at a geological repository; number three, it improves safety by consolidating storage of nuclear waste; and, four, it enhances consumer protection by ending the diversion of consumers' fees for other Federal programs.

Mr. Chairman, last year the U.S. Court of Appeals for the District of Columbia Circuit held in the Indiana Michigan Power Company that DOE has a legal obligation to begin acceptance of nuclear waste in January of 1998. It is impossible for DOE to fulfill its legal duty to begin acceptance in 1998, and under current programs that the DOE has, it will not be able to begin acceptance until the year 2010.

H.R. 1270 enables DOE to fulfill its legal obligation to begin acceptance at an interim storage facility in 2002, an earlier date that permits time for the NRC for licensing of this particular facility.

The overriding goal of the nuclear waste program since 1983 has been providing for permanent disposal of nuclear waste in a geological repository. That goal is strengthened by H.R. 1270. Congress has always sought to avoid a competition for funding between an interim storage facility and a repository. H.R. 1270 avoids such competition by providing ample funds to pursue both programs. According to DOE, the funding provisions of H.R. 1270 provide sufficient funds to provide for interim storage while maintaining the progress towards development of a permanent repository.

H.R. 1270 has protections designed to assure the interim storage facility cannot become a de facto permanent facility. There are statutory limits to the nuclear waste that can be stored in the interim facility, 40,000 metric tons, a small portion of the nuclear waste that will be generated, which is 115,000 metric tons.

The commitment to the repository in H.R. 1270 is reflected in the funding